

The Hon. Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS BROOKE,

Defendant.

NO. CR14-165-RAJ

**FINAL ORDER OF FORFEITURE  
OF SUBSTITUTE ASSETS**

THIS MATTER comes before the Court on the United States' Motion for Final Order of Forfeiture of Substitute Assets ("Motion") seeking to forfeit to the United States, pursuant to 21 U.S.C. § 853(p) and Fed. R. Crim. P. 32.2(e)(1)(B) and 32.2(e)(2), U.S. funds in the amount of \$177,960.42 (the "Funds"), which are Defendant Thomas Brooke's share of proceeds from the sale of real property located in Lumpkin County, Georgia, in partial satisfaction of Defendant Thomas Brooke's forfeiture money judgment.

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1 The Court, having reviewed the United States' Motion, as well as the other papers  
2 and pleadings filed in this matter, hereby FINDS that entry of a Final Order of Forfeiture  
3 of Substitute Assets is appropriate because of the following:

- 4 • On December 15, 2016, Defendant pleaded guilty to Conspiracy to  
5 Distribute Controlled Substances by Means of the Internet, in violation of  
6 21 U.S.C. §§ 823(f), 841(h)(1), 841(b)(1)(E), and 846 (Count 1), and  
7 Conspiracy to Commit Money Laundering, in violation of 18 U.S.C.  
8 §§ 1956(a)(1) and 1956(h) (Count 4). Dkt. No. 210. In his Plea Agreement,  
9 Defendant agreed to forfeit his interest in a forfeiture money judgment in  
10 the amount of \$314,435, representing the proceeds Defendant obtained  
11 from his commission of these offenses. *Id.*, ¶ 7.
- 12 • On March 18, 2016, the Court entered an Order of Forfeiture pursuant to  
13 18 U.S.C. § 853, forfeiting Defendant's interest in a money judgment in the  
14 amount of \$314,435, representing the proceeds Defendant obtained from  
15 commission of the Conspiracy to Distribute Controlled Substances by  
16 Means of Internet, in violation of 21 U.S.C. §§ 823(f), 841(h)(1),  
17 841(b)(1)(E), and 846, and Conspiracy to Commit Money Laundering, in  
18 violation of 18 U.S.C. §§ 1956(a)(1) and 1956(h). Dkt. No. 237.
- 19 • At sentencing on March 18, 2016, the Court imposed a forfeiture money  
20 judgment in the amount of \$314,435 and incorporated the Order of  
21 Forfeiture in the Judgment. Dkt. No. 239.
- 22 • The Order of Forfeiture provided that the United States may, at any time,  
23 move pursuant to Fed. R. Crim. P. 32.2(e) to substitute property having a  
24 value not to exceed \$314,435 to satisfy the forfeiture money judgment in  
25 whole or in part. *Id.*

- 1 • On September 27, 2016, the United States recorded the Order of Forfeiture  
2 with the Clerk of the Superior Court for Lumpkin County, Georgia. Dkt.  
3 No. 306.
- 4 • On August 10, 2021, the United States Marshal Service received, via wire,  
5 \$177,960.42 in U.S. funds, representing Defendant's 25% share of proceeds  
6 from the sale of real property located at LOT PARK ST LL 985 986 LD  
7 12-1, parcel number D11 182, in Lumpkin County, Georgia. *See*  
8 Declaration of Beatrice Pharr in Support of Motion for Preliminary Order  
9 of Forfeiture of Substitute Assets, (Dkt. No. 340, ¶11).
- 10 • The forfeiture money judgment reflects the proceeds that Defendant  
11 obtained from his offenses, which the United States was unable to recover  
12 directly at the time of prosecution. Even with the exercise of due diligence,  
13 the United States has been unable to locate any of Defendant's proceeds.  
14 *See Pharr Decl.*, ¶ 13. Accordingly, the United States has satisfied the  
15 condition in 21 U.S.C. § 853(p)(1)(A).
- 16 • The United States has established by a preponderance of the evidence that  
17 the above-identified \$177,960.42 in U.S. funds is Defendant's property,  
18 may be forfeited as substitute property, and may be applied against  
19 Defendant's outstanding balance of the forfeiture money judgment.
- 20 • On December 5, 2022, the Court entered a Preliminary Order of Forfeiture  
21 of Substitute Assets, finding the above-identified \$177,960.42 forfeitable  
22 pursuant to 21 U.S.C. § 853(p) and Fed. R. Crim. P. 32.2(e)(1)(B) and  
23 32.2(e)(2), and forfeiting the Defendant's interest in it. Dkt. No. 342;
- 24 • Thereafter, the United States published notice of the pending forfeitures as  
25 required by 21 U.S.C. § 853(n)(1) and Federal Rule of Criminal Procedure  
26 32.2(b)(6)(C) (Dkt. No. 343) and provided direct notice to three potential  
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claimants as required by Fed. R. Crim. P. 32.2(b)(6)(A) (*see* Declaration of AUSA Karyn S. Johnson in Support of Motion for a Final Order of Forfeiture, ¶ 2, Exhibits A-C);

- The time for filing third-party claims has expired on March 15, 2023, and none were filed; and
- The outstanding balance of Defendant's forfeiture money judgment is presently \$313,730.

NOW, THEREFORE, THE COURT ORDERS:

1. No right, title, or interest in the above-identified \$177,960.42 exists in any party other than the United States;

2. The above-identified \$177,960.42 in U.S. funds representing Defendant's share of proceeds from the sale of real property located in Lumpkin County, Georgia, is fully and finally condemned and forfeited, in its entirety, to the United States as substitute assets;

3. A credit in the amount of \$177,960.42 in U.S. funds shall be applied to Defendant Brooke's outstanding forfeiture money judgment; and,

4. The United States Department of Justice, United States Marshals Service, and/or their representatives, are authorized to dispose of the above-identified \$177,960.42 as permitted by governing law.

IT IS SO ORDERED.

DATED this 19th day of April, 2023.



The Honorable Richard A. Jones  
United States District Judge